

REMARKS

The above amendment and these remarks are responsive to the final Office Action issued on October 21, 2005. By this response, claim 27 is cancelled without prejudice. No new matter is added. Claims 1-26 are now active for examination. The amendment at least reduces issues by presenting the claims in better form for appeal or consideration under 37 CFR 116(b), and does not raise any issues of new matter or any issue requiring further searches or consideration. Entry under Rule 116 should be proper.

The final Office Action dated October 21, 2005 rejected claims 1-26 under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-26 stood rejected under 35 U.S.C. §102(b) as being anticipated by Beckert et al. (U.S. Patent No. 6,009,363). Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Beckert et al. in view of Chene et al. (U.S. Patent No. 6,587,768).

Applicants respectfully submit that the rejections are overcome in view of the amendments and/or remarks presented herein.

The Rejection of Claim 27 Is Moot

By this Response, claim 27 is cancelled without prejudice. Accordingly, the rejection of claim 27 is now moot.

The Rejection of Claims 1-26 under 35 U.S.C. §112, Second Paragraph Is Overcome

Claims 1-26 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection is respectfully overcome because claims 1-26 particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 1 recites:

A multipurpose multifunctional (M/M) interface device, comprising:

...

- 1) one or more system ports configured to couple to a system to be diagnosed;
- 2) one or more diagnostic ports configured to couple to more than one type of diagnostic system;...and

C. a main processor module configured to control communications between the system ports and the diagnostic ports, and to selectively transition the M/M interface device between a standby mode at the reduced power level and an operational mode at the full power level.

Claim 15 also includes descriptions parallel to those of claim 1. In rejecting claims 1 and 15 and their dependent claims, the Office Action asserted that the language “more than one type of diagnostic system” because “it is unclear whether the limitation(s) following the phrase are part of the claimed invention.” In supporting the assertion, the Examiner cites MPEP §2173.05(d).

The specific paragraph of MPEP cited in the Office Action requires that a claim should not include **examples or preferences** language (“such as” or “for example”) that may lead to confusion over the intended scope of the claim. However, the type of ambiguous language that MPEP §2173.05(d) intends to address does not exist in any of claims 1-26. Neither the specific language identified in the Office Action nor additional descriptions of the claims include ambiguous examples or preferences. Accordingly, the specific paragraph of MPEP does not apply.

Moreover, the meaning of the objected claim language, “more than one type of diagnostic system,” is clear on its face. Unlike the vague coverage provided by terms like “for example” or “such as,” the claim language “one or more diagnostic ports configured to couple to more than one type of diagnostic system” clearly indicates that different types or plural kinds of diagnostic systems are receivable by the interface device. The meaning also is evident from the description of paragraph [0013] of the written description, which describes that the interface device can

connect to different types of diagnostic systems, such as “a portable gas analyzer, onboard diagnostics system, diesel smoke meter, OBD II scan tools, engine analyzer, bar code scanner, gas cap tester, or the like.” It is submitted that independent claims 1 and 15 and their dependent claims particularly point out and distinctly claim the subject matter which applicants regard as the invention. Favorable reconsideration of claims 1-26 is respectfully requested.

The Anticipation Rejection of Claims 1-26 Is Overcome

Claims 1-26 were rejected as being anticipated by Beckert. It is respectfully submit that the anticipation rejection is overcome because Beckert cannot support a *prima facie* case of anticipation.

Claim 1 describes a multipurpose multifunctional (M/M) interface device including one or more system ports configured to couple to a system to be diagnosed, and one or more diagnostic ports configured to couple to more than one type of diagnostic system. A main processor module is provided to control communications between the system ports and the diagnostic ports, and to selectively transition the M/M interface device between a standby mode at a reduced power level and an operational mode at a full power level. Appropriate support for the amendment can be found in, for example, paragraph [0013] of the written description.

Accordingly, an exemplary interface device according to claim 1 includes a processor and at least one diagnostic port configured to couple to more than one type of diagnostic systems, such as a portable gas analyzer, onboard diagnostics system, diesel smoke meter, OBD II scan tools, engine analyzer, bar code scanner, gas cap tester, or the like.

On the other hand, Beckert relates to an on-vehicle computer including connectors to couple to various vehicle subsystems, and an OBD system 28. However, OBD system 28 is the only type of diagnostic system that couples to the on-vehicle computer of Beckert.

Consequently, Beckert fails to disclose “a multipurpose multifunctional (M/M) interface device including...one or more diagnostic ports configured to couple to more than one type of diagnostic system,” as described by claim 1. Since Beckert does not teach every limitation of claim 1, the anticipation rejection based on Beckert is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claim 15 also requires one or more diagnostic ports configured to couple to more than one vehicle diagnostic system. Therefore, for at least the same reasons as for claim 1, claim 15 is also patentable over Beckert. Favorable reconsideration of claim 15 is respectfully requested.

Claims 2-14 and 16-26, directly or indirectly, depend on claims 1 and 15, respectively. Therefore, claims 2-14 and 16-26 also are patentable over Beckert by virtue of their dependencies from claims 1 and 15. Favorable reconsideration of claims 2-14 and 16-26 is respectfully requested.

Failure to Establish a Prima Facie Case of Anticipation

It is noted that the Office Action, in rejecting claims 7-14 and 16-25, merely duplicated the claim language and broadly alleged that Beckert discloses identical features without providing specific arguments and/or citations to support such blanket allegation. The blanket allegation lacks factual basis and evidential support. It is respectfully submitted that the Examiner has not discharged his duty in establishing a prima facie case of anticipation.

As discussed above, it is believed that all the active claims under examination are patentable over the documents of record. Should the Examiner, after thorough consideration of

the remarks presented herein, still believe that some or all of the claims are taught by one or more documents, it is respectfully requested that specific citations and arguments be provided.

CONCLUSION

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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